

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1462 be amended to read as follows:

- 1 Page 2, line 15, strike "(c)" and insert "**(d)**".
- 2 Page 5, line 41, delete "of a school corporation".
- 3 Page 6, between lines 1 and 2, begin a new paragraph and insert:
- 4 "SECTION 6. IC 20-24-8-5, AS AMENDED BY P.L.2-2006,
- 5 SECTION 111, IS AMENDED TO READ AS FOLLOWS
- 6 [EFFECTIVE JULY 1, 2009]: Sec. 5. The following statutes and rules
- 7 and guidelines adopted under the following statutes apply to a charter
- 8 school:
- 9 (1) IC 5-11-1-9 (required audits by the state board of accounts).
- 10 (2) IC 20-39-1-1 (unified accounting system).
- 11 (3) IC 20-35 (special education).
- 12 (4) IC 20-26-5-10 ~~and IC 20-28-5-9~~ (criminal history).
- 13 (5) IC 20-26-5-6 (subject to laws requiring regulation by state
- 14 agencies).
- 15 (6) IC 20-28-7-14 (void teacher contract when two (2) contracts
- 16 are signed).
- 17 (7) IC 20-28-10-12 (nondiscrimination for teacher marital status).
- 18 (8) IC 20-28-10-14 (teacher freedom of association).
- 19 (9) IC 20-28-10-17 (school counselor immunity).
- 20 (10) For conversion charter schools only, IC 20-28-6, IC 20-28-7,
- 21 IC 20-28-8, IC 20-28-9, and IC 20-28-10.
- 22 (11) IC 20-33-2 (compulsory school attendance).
- 23 (12) IC 20-33-3 (limitations on employment of children).
- 24 (13) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student
- 25 due process and judicial review).
- 26 (14) IC 20-33-8-16 (firearms and deadly weapons).
- 27 (15) IC 20-34-3 (health and safety measures).
- 28 (16) IC 20-33-9 (reporting of student violations of law).
- 29 (17) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative
- 30 observances).
- 31 (18) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, IC 20-32-8,

or any other statute, rule, or guideline related to standardized testing (assessment programs, including remediation under the assessment programs).

(19) IC 20-33-7 (parental access to education records).

(20) IC 20-31 (accountability for school performance and improvement).

SECTION 7. IC 20-26-1-1, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: (a) Sec. 1. IC 20-26-1 through IC 20-26-5 and IC 20-26-7 apply to all school corporations.

(b) Notwithstanding subsection (a), IC 20-26-5-10 applies to:

(1) a school corporation;

(2) a charter school; and

(3) an accredited nonpublic school.

SECTION 8. IC 20-26-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.5. "Expanded criminal history check" means a criminal history background check of an individual that includes:**

(1) a:

(A) search of the records maintained by all counties in Indiana in which the individual who is the subject of the background check resided;

(B) search of the records maintained by all counties or similar governmental units in another state, if the individual who is the subject of the background check resided in another state; and

(C) check of:

(i) sex offender registries in all fifty (50) states; or

(ii) the national sex offender registry maintained by the United States Department of Justice; or

(2) a:

(A) national criminal history background check (as defined in IC 10-13-3-12); and

(B) check of:

(i) sex offender registries in all fifty (50) states; or

(ii) the national sex offender registry maintained by the United States Department of Justice."

Page 6, line 4, after "including a" strike "school".

Page 6, line 5, strike "township".

Page 6, line 5, delete "and a".

Page 6, line 5, delete "," and insert "**and an accredited nonpublic school,**".

Page 6, line 17, strike "school township".

Page 6, line 17, delete "and a".

Page 6, line 18, delete "," and insert "**and an accredited nonpublic school,**".

Page 6, line 21, after "corporation" insert ", **charter school, or**

1 **accredited nonpublic school".**

2 Page 6, line 27, delete "." and insert ", **charter school, or**
3 **accredited nonpublic school".**

4 Page 6, line 30, after "corporation" insert ", **charter school, or**
5 **accredited nonpublic school".**

6 Page 6, line 35, after "corporation" insert ", **charter school, or**
7 **accredited nonpublic school".**

8 Page 7, line 42, after "corporation" insert ", **charter school, or**
9 **accredited nonpublic school".**

10 Page 8, delete lines 4 through 26, begin a new paragraph and insert:
11 "SECTION 10. IC 20-28-4-11, AS ADDED BY P.L.150-2006,
12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2009]: Sec. 11. (a) This section applies only to:

14 (1) a school corporation; or

15 (2) a subject area;

16 that is designated by the state board as having an insufficient supply of
17 licensed teachers.

18 (b) The governing body of a school corporation or the appointing
19 authority of an accredited nonpublic school may employ a program
20 participant if the program participant is hired to teach in a subject area
21 or a school corporation to which this section applies.

22 (c) Before employing a program participant under subsection (b),
23 the superintendent of the school corporation must make a
24 determination that one (1) of the following conditions exists:

25 (1) There is no fully certified and highly qualified teacher
26 available for the position.

27 (2) The program participant is the best qualified candidate for the
28 position.

29 (d) A program participant who is employed under this section is
30 eligible to receive a transition to teaching permit. The transition to
31 teaching permit is valid for three (3) years, and may not be renewed.
32 ~~IC 20-28-5-9 applies to a program participant who applies for a~~
33 ~~transition to teaching permit.~~

34 (e) A program participant who is employed under this section:

35 (1) shall enter into either:

36 (A) a regular teacher's contract under IC 20-28-6-5; or

37 (B) a temporary teacher's contract under IC 20-28-6-6, if
38 replacing a teacher on a leave of absence;

39 (2) is eligible to participate in a mentor teacher program; and

40 (3) satisfies the field or classroom experience component of the
41 program under section 4(3) of this chapter.

42 (f) The state board:

43 (1) shall review; and

44 (2) may renew;

45 the designation of a school corporation or a subject area as having an
46 insufficient supply of licensed teachers not more than two (2) years
47 following the initial designation under subsection (a).".

Page 10, between lines 1 and 2, begin a new paragraph and insert:
 "SECTION 13. IC 20-28-5-15, AS ADDED BY P.L.75-2008,
 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2009]: Sec. 15. (a) Notwithstanding section 3(b)(6) of this
 chapter, the department shall grant an initial practitioner's license in a
 specific subject area to an applicant who:

- (1) has earned a postgraduate degree from a regionally accredited
 postsecondary educational institution in the subject area in which
 the applicant seeks to be licensed;
- (2) has at least one (1) academic year of experience teaching
 students in a middle school, high school, or college classroom
 setting; and
- (3) complies with sections 4 ~~9~~ and 12 of this chapter.

(b) An individual who receives an initial practitioner's license under
 this section may teach in the specific subject for which the individual
 is licensed only in:

- (1) high school; or
- (2) middle school;

if the subject area is designated by the state board as having an
 insufficient supply of licensed teachers.

(c) After receiving an initial practitioner's license under this section,
 an applicant who seeks to renew the applicant's initial practitioner's
 license or obtain a proficient practitioner's license must:

- (1) demonstrate that the applicant has:
 - (A) participated in cultural competency professional
 development activities;
 - (B) obtained training and information from a special education
 teacher concerning exceptional learners; and
 - (C) received:
 - (i) training or certification that complies; or
 - (ii) an exemption from compliance;
 with the standards set forth in section 3(c) of this chapter; and
- (2) meet the same requirements as other candidates."

- 1 Page 14, between lines 30 and 31, begin a new paragraph and insert:
- 2 "SECTION 19. THE FOLLOWING ARE REPEALED
- 3 [EFFECTIVE JULY 1, 2009]; IC 20-28-1-8; IC 20-28-5-9."
- 4 Renumber all SECTIONS consecutively.
 (Reference is to EHB 1462 as printed March 20, 2009.)

Senator LUBBERS